



**JAMES G. DIBBINI
& ASSOCIATES, P.C.**
Attorneys At Law
TRUST. COMMITMENT. INTEGRITY.



Know the Law: Proper Notice to Vacate or Nonrenewal Under HSTPA

If you are a landlord in New York, one of the most critical legal steps you may take is serving a notice to vacate or a notice of nonrenewal of lease. Under the Housing Stability and Tenant Protection Act of 2019 (HSTPA), the requirements for timing and service of such notices have become significantly stricter and more nuanced.

Failure to comply with these requirements can result in severe consequences, including dismissal of eviction proceedings, delays, and loss of rent. This newsletter provides a concise guide on when and how to serve these notices—and why it's essential to get them right the first time.

What Is a Notice to Vacate or Nonrenewal?

These notices are used to terminate a tenancy or inform a tenant that their lease will not be renewed. They must comply with HSTPA's time frames and service requirements, which are based on how long the tenant has occupied the unit.

HSTPA Timeframe Requirements

The minimum notice period a landlord must provide depends on the length of the tenant's continuous occupancy:

- 90 Days' Notice – If the tenant has resided in the unit for more than two years or has a lease of two years or more.
- 60 Days' Notice – If the tenant has lived in the unit for more than one year but less than two years, or has a lease term of more than one year but less than two years.
- 30 Days' Notice – If the tenant has lived in the unit for less than one year, or has a lease of less than one year.
- 10 Days' Notice – Applies only in certain nuisance or illegal activity holdover proceedings under specific legal circumstances (not common and typically court-driven).

How Should the Notice Be Served?

The notice must be served in accordance with Real Property Actions and Proceedings Law (RPAPL) § 735, which includes the following permitted methods:

1. Personal Delivery to the tenant;
2. Substituted Service (delivery to a person of suitable age and discretion at the premises, followed by mailing); or
3. Conspicuous Place Service (if the first two methods are unsuccessful, affix notice to the door and mail a copy).

Importantly, certified mail alone is insufficient. Improper service will render

the notice legally defective.

⚠ **What Happens If the Wrong Notice Is Served?**

Serving the wrong length of notice or failing to serve properly can:

- Result in dismissal of your case in Housing Court;
- Require you to start the entire process over, delaying possession;
- Cause lost rental income and potentially attorney's fees for the tenant;
- In some cases, expose landlords to allegations of harassment or improper eviction attempts.

□ **Why Proper Notice Matters**

Serving the correct notice, at the correct time, and in the correct manner is foundational to any successful eviction or nonrenewal action. It is often the first document the court and tenant's attorney will scrutinize, and a single error can undermine the entire proceeding.

At James G. Dibbini & Associates, P.C., we routinely draft, review, and oversee the proper service of these critical documents to ensure that landlords are in full compliance with the law from day one.

□ **We Can Help**

If you're considering nonrenewal or eviction and are unsure what type of notice to serve, we strongly encourage you to consult our office before taking action.

To schedule a consultation or have a notice prepared and properly served, contact us at:

□ (914) 240-8270

□ jdibbini@dibbinilaw.com

□ www.dibbinilaw.com

The attorneys at James G. Dibbini & Associates, P.C. collectively have over 70 years of experience providing legal services in the areas of:

[-Landlord & Tenant Law](#)

[-DHCR Representation](#)

[-Business Formations](#)

[-Commercial & Residential Real Estate Closings](#)

[-General Business Law](#)

[-Civil Litigation](#)

[-Zoning Issues and Variances](#)

[-Housing and Building Code Violation Matters](#)

[-Wills, Trusts & Estates](#)

James G. Dibbini & Associates, P.C.
570 Yonkers Avenue
Yonkers, NY 10704
(914) 240-8270

This James G. Dibbini & Associates, P.C. Newsletter is a publication of James G. Dibbini & Associates, P.C. All Rights Reserved. Quotation with attribution is permitted. This newsletter offers general information and should not be taken or used as legal advice for specific situations, which depend on the evaluation of precise factual circumstances. Please note that James G. Dibbini & Associates, P.C. does not undertake to update its publications after their publication date to reflect subsequent developments. Prior results do not guarantee a similar outcome. This publication may contain attorney advertising.



James G. Dibbini & Associates, P.C. | 570 Yonkers Avenue | Yonkers, NY 10704 US

[Unsubscribe](#) | [Update Profile](#) | [Constant Contact Data Notice](#)



Try email marketing for free today!